

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DISH NETWORK L.L.C.,)	
)	
Plaintiff,)	
v.)	
)	C.A. No. 19-1262 (RGA)
SERVERLOGY CORPORATION and)	
DOES 1-5, individually and together)	
d/b/a East IPTV,)	
)	
Defendants.)	

**PLAINTIFF DISH NETWORK L.L.C.’S RESPONSE TO MOTION TO WITHDRAW
AS COUNSEL FOR DEFENDANT SERVERLOGY CORPORATION**

Plaintiff DISH Network L.L.C. (“DISH”) respectfully submits this response to the motion to withdraw as counsel for Defendant Serverlogy Corporation (“Defendant”) and states:

1. Defendant has not served its initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1), which were due on September 30, 2019. (D.I. 13 ¶ 1.)
2. Defendant was served with DISH’s First Set of Interrogatories and First Set of Requests for Production on September 18, 2019, seeking discovery identifying defendant Does 1-5, doing business as East IPTV. Defendant has not responded to DISH’s interrogatories or requests for production.
3. The deadline to join other parties and to amend or supplement the pleadings is December 13, 2019. (*Id.* ¶ 2.)
4. Third-party discovery shows that Defendant’s representative, Ahmad Al Shahman (“Shahman”), is a direct copyright infringer transmitting channels exclusively licensed to DISH to users of the East IPTV service in the United States. The provided name and email address is insufficient to locate and serve Shahman with an amended complaint naming him as a Defendant. As a condition to granting counsel’s motion to withdraw, DISH requests that the

Court order Defendant's counsel to provide DISH with a declaration identifying all names and contact information including addresses, email addresses, phone numbers, and payment records (including names, banks, and addresses) for all persons they have communicated with on behalf of Serverlogy or Mr. Shahman. *See Joint Stock Co. Channel One Russia Worldwide v. Infomir LLC*, No. 16-CV-1318 (GBD) (BCM), 2017 WL 5067432, *7 (S.D.N.Y. May 9, 2017) ("I will, however, require [attorney] to produce, as a condition of withdrawal, all emails or other communications between [attorney] and [client], or any person acting on [client's] behalf, concerning the Retainer Agreement, including the names, email addresses, and any other identifying or contact information concerning the sender(s), receiver(s) and recipient(s) of such communications.").

5. "A corporation must be represented by counsel and may not be represented by an individual acting pro-se on its behalf." *Laborers' Dist. Council Const. Indus. Pension Fund v. Compliance Mgmt. Grp., Inc.*, No. CIV.A. 04-4024, 2005 WL 1331059, *1 (E.D. Pa. May 31, 2005); *see also Simbrow, Inc. v. United States*, 367 F.2d 373, 337-74 (3d Cir. 1966) (holding that a corporation may not be represented by its president in court but was required to employ an attorney at law to appear for it and represent it in the litigation). DISH requests that the Court order Defendant to retain new counsel who must make an appearance in this action within 30 days, and that failure to do so will result in the striking of Defendant's Answer and default will be entered.

6. DISH does not oppose the withdrawal of Defendant's counsel with the foregoing conditions. A proposed Order is attached for the Court's consideration.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith II

OF COUNSEL:

Stephen M. Ferguson
HAGAN NOLL & BOYLE, LLC
Two Memorial City Plaza
820 Gessner, Suite 940
Houston, TX 77024
(713) 343-0478

Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
rsmith@mnat.com

Attorneys for Plaintiff DISH Network L.L.C.

November 21, 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DISH NETWORK L.L.C.,)	
)	
Plaintiff,)	
v.)	
)	C.A. No. 19-1262 (RGA)
SERVERLOGY CORPORATION and)	
DOES 1-5, individually and together)	
d/b/a East IPTV,)	
Defendants.)	

**ORDER CONDITIONALLY GRANTING MOTION TO WITHDRAW
AS COUNSEL FOR DEFENDANT SERVERLOGY CORPORATION**

Before the Court is the Motion to Withdraw as Counsel for Defendant Serverlogy Corporation (the “Motion”) brought by James Tobia, Esq. of the Law Office of James Tobia, LLC and Karl W. Roth, Esq. and William P. Foley, Esq. of Roth Law Group LLC (the “Movants”) to withdraw appearances as counsel for Defendant Serverlogy Corporation; Plaintiff DISH Network L.L.C.’s Response; and it appearing to the Court from the Motion and representations of counsel that Defendant Serverlogy Corporation was given adequate notice of the Motion and of counsels’ desire to withdraw from representation; and there being good cause to conditionally allow the Motion;

NOW, THEREFORE, the Court finds as a fact and concludes as a matter of law that good cause exists to allow the Movants to conditionally withdraw as counsel for Defendant Serverlogy Corporation in this case, and it is hereby ORDERED that:

1. The relief requested in the Motion is hereby GRANTED on the condition that the Movants provide Plaintiff a declaration identifying all names and contact information including addresses, email addresses, phone numbers, IP addresses, and payment records (including names, banks, addresses, and accounts) for all persons Movants have communicated

with on behalf of Serverlogy or Ahmad Al Shahman. After providing such declaration, James Tobia, Esq. of the Law Office of James Tobia, LLC and Karl W. Roth, Esq. and William P. Foley, Esq. of Roth Law Group LLC will be permitted to withdraw as counsel of record for Defendant Serverlogy Corporation and will be relieved of any and all further obligations on behalf of Defendant Serverlogy Corporation.

3. Defendant Serverlogy Corporation shall retain new counsel who shall make an appearance in this action within 30 days of this Order. Failure to do so will result in the striking of Defendant's Answer and default will be entered.

4. Until such time as new counsel makes an appearance on behalf of Defendant, all future pleadings, motions, discovery and any and all other communications concerning this matter will be addressed to Defendant Serverlogy Corporation at:

Serverlogy Corporation
c/o Agents And Corporations, Inc.
1201 Orange Street, Suite 600
One Commerce Center
Wilmington, DE 19801

and

Severlogy Corporation
c/o Ahmad Al Shahman
ahmad.shm@protonmail.com

Dated: _____

JUDGE RICHARD G. ANDREWS
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on November 21, 2019, upon the following in the manner indicated:

James Tobia, Esquire
THE LAW OFFICE OF JAMES TOBIA, LLC
1716 Wawaset Street
Wilmington, DE 19806
Attorneys for Defendant Serverlogy Corporation

VIA ELECTRONIC MAIL

Karl W. Roth, Esquire
William P. Foley, Esquire
ROTH LAW GROUP LLC
150 N. Michigan Avenue, Suite 800
Chicago, IL 60601-7585
Attorneys for Defendant Serverlogy Corporation

VIA ELECTRONIC MAIL

Severlogy Corporation
c/o Ahmad Al Shahman
ahmad.shm@protonmail.com

VIA ELECTRONIC MAIL

Serverlogy Corporation
c/o Agents And Corporations, Inc.
1201 Orange Street, Suite 600
One Commerce Center
Wilmington, DE 19801

VIA HAND DELIVERY

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)